

THE
CASE
AND
MEMOIRS

OF THE LATE

Rev. Mr. JAMES HACKMAN,

And of his Acquaintance with the late

Miss MARTHA REAY:

With a Commentary on his Conviction, distinguishing between his Crime in particular, and that of others who have been condemned for MURDER.

AND ALSO,

Some Thoughts on Lunacy and Suicide.

Dedicated to LORD S——,

To which is added,

A LETTER to Lord S—— and Miss REAY.

WITH

AN APPENDIX,

On the ill Effects of Public Offices of Justices of the Peace.

The SECOND EDITION.

LONDON:

Printed for G. KEARSLY, near Serjeants-In
Fleet-street. 1779.

C A S E

T H E

A N D

M E M O I R S

OF

Rev. Mr. JAMES HANCOCK

And of his

MRS. MARY



With a Commentary on the
Scriptures, and
on the Characters who have been
condemned for

MURDER

Some Thoughts on Liberty and Suicide

Devoted to LORD

By

A LETTER to LORDS and MRS. REAY

By

A N A P P E N D I X

On the Ill Effects of Public Officers of the Peace

THE SECOND EDITION

L O N D O N

Printed for G. KEARSLEY, near St. James's
Place, Street.

DEDICATION.

TO

LORD S.

My Lord,

WITH a view to prevent imposition by any spurious edition of the case and history of the late Mr. Hackman, and in order to eradicate and remove all prejudices and reflections from his memory, your Lordship is presented with the following pages, the contents whereof are authentic, because they are taken from the mouth of Mr. Hackman while in confinement, and reduced to writing by a person who not only knew him, and respected his very amiable and fair character, but who is also well acquainted with a part of his family, particularly his brother-in-law, a gentleman whose reputation will receive no lustre by compliment.

Your

~~Your Lordship~~ may perhaps make some discoveries in these sheets, and not be surprised that the publick look down indignantly on Signora G——, who, after benefiting by the bounty and liberality of Mr. Hackman, in the most mercenary way, excited his despair and grief; and in the hour of Miss Reay's death affected not to know him. There is a mystery in her behaviour by him which requires an explanation. If she acted under your L——p's direction, (which one would hope, for the sake of your name, were otherwise) she may be somewhat excused; but, in any other sense, her conduct speaks nothing in her favour.

In these memoirs, however, your Lordship will find enough to excite your compassion, without adverting immediately to the part, such as it may be, which she has acted between your Lordship, Miss Reay, or Mr. Hackman. The author of them knows them to be true; and, while sensible of the effect they have had, and still may have, on your Lordship's mind, he feels almost equally with you thereupon; as he does also on the distress of Mr. Macnamara, the gentleman on whose arm Miss Reay was leaning

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*leaning when shot ; and the sufferings of Mr.
Hackman's surviving friends and relations.*

*In all humble, but sincere hopes, that they
and your Lordship may speedily recover from
that grief natural to your respective situations,
and be again yourselves,*

I am, obediently and devotedly,

Your most humble Servant,

THE AUTHOR.

leaving upon foot, and the feelings of Mr.
Hickman's friends and relations.

In all humble, but sincere hope, that they
and your Lordship may speedily recover from
that grief natural to your respectful situation,
and be again united.

I am, obediently and devotedly,

Your most humble servant,

THE AUTHOR.

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TH E unfortunate Gentleman who is the subject of these Memoirs, was born at Gosport, in the county of Hampshire, of very respectable parents, who, after giving him a good and general education, apprenticed him to a mercer of that town, with whom he served out part of his time; but as he was of too liberal a spirit to pursue fortune in the character of a tradesman, and as he was entitled to a handsome patrimony, he persuaded his parents to buy him, at the age of about nineteen, an Ensigncy in a regiment of foot, which they accordingly did in the 68th, and he appeared much more at home (to use a theatrical expression) in the garb and business of a military officer, than in measuring silk behind a mercer's counter. Soon after he obtained his commission he was quartered on a recruiting party at Huntingdon, from whence he was invited by Lord Sandwich to Hinchinbroke, to partake, not only of the pleasure of that place in common

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with his Lordship's other visitors, but also of that peculiar hospitality, good-sence, and mirth, which constantly prevails where that nobleman presides. It was here where the late Mr. Hackman first saw and became acquainted with the departed Miss Reay, a lady of an elegant person, great sweetness of manners, and of a remarkable judgment and execution in vocal and instrumental music. Frequently being in her company at his Lordship's house, where she lived under his protection, she impressed Mr. Hackman with the most tender and fond regard for her, which soon after ended in a mutual passion for each other. They indulged themselves in their love as privately as possible for a considerable time, unknown to his Lordship, and convinced each other (particularly on his part) that all-powerful love was involuntary and unrestrained, whatever prudence might dictate for the sake of appearances. But after revelling in all its rites by stealth, the suspicions of Lord Sandwich were set in motion. Omiah, the Otaheitean, who was under his Lordship's care, had frequently observed the familiarities of Mr. Hackman and Miss Reay in his Lordship's absence, when the lovers, as they thought, were alone and unnoticed, particularly as Omiah could only speak by gestures and signs. He however found means to express to his Lordship

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ship what he had beheld; and his Lordship, much hurt by jealousy, charged his favourite Miss Reay with inconstancy. Her heart was honest, and she confessed the accusation, with promises to reform; but such were her affections for Mr. Hackman, that they overcame her in favour of him, with whom she had long secretly but periodically cohabited, and compelled her to continue her intercourse with him more cautiously than before. The satisfaction Mr. Hackman received of Miss Reay so heightened his regard for her, contrary to what is commonly known in cases of unlimited (though illicit) gratification, that he assured her nothing would complete his happiness but marrying of her; and, sensible of the honour of such a proposal, as she was before of his love, she consequently acquiesced in it, and desired to cease further cohabitation with him until it was compleated. This they agreed to, and as he almost immediately after went to Ireland with his regiment, the marriage was suspended till his return, and while he was there, they corresponded in the most affectionate manner by every post.

On his return to London he found Miss Reay confidentially connected with Signora Galli, an Italian singer, who Lord S—— had engaged to teach her to sing, and being closely watched by his Lordship, his access to her was difficult

and perilous. He therefore effected it at great expence, by Signora Galli's means, who at length (whether under the management and direction of his Lordship, who wished to break off the connexion at all events, or otherwise, we do not know) informed Mr. Hackman that all future visits from him to Miss Reay would be dispensed with, for that Lord S—— was too well acquainted with their amour to bear with it longer. That Miss Reay was tired of him, and had resolved to quit him for the sake of another gentleman, who was much more dear to her.

Agitated by this sort of language, and the interruption he found to his meeting Miss Reay as before he was wont to do, the conflict of Mr. Hackman's mind appeared visibly to his friends. For some time before the act for which he suffered, he was an altered man; while in the army he was agreeable, sprightly, and affable; but on a sudden he changed himself to a pensive and grave deportment, which, on his purposing to take orders, was somewhat accounted for, because it was concluded, among his family and acquaintance, that he had chosen a preferable profession, in which he would be much more happy than another; and having been presented with a living upon his entering into the church, he repeated his proposals of marriage to Miss Reay, and solicited

ted that it might be solemnized*, but as she ceased to pay that regard to him she had done before, or at least appeared to do so, it is supposed his melancholy and misery about her, originated on that occasion, which, by continual brooding over, encreased and inflamed his wretched mind to that degree of violence and resolution, which made him lament he had not dispatched himself in the moment Miss Reay fell, and sighed her last by his hand.

For ten days before her death he was remarked to be unusually melancholy, and on being questioned upon it, he replied that he regretted the death of Lady Hinchingbroke. On the day he shot Miss Reay, (murdered her we will not say, for reasons hereafter submitted,) he dined with his sister and brother-in-law, Mr. B—, an attorney, and his first cousin, who but five weeks before were married. When he left their company, he promised to return to supper; would we could say he kept his word! but his employ of the evening drenched himself with blood, and then with tears and anguish! As he himself related to the author of these dreary sheets, he first went to the Admiralty, after he had left his sister, where Lord S—— resides, and there seeing his Lordship's coach, he concluded that Miss Reay, who

* See the letter at the end.

who lived with his Lordship, was going out in it, and would probably call on Signora Galli at her lodgings in the Hay-Market. To be satisfied herein, he walked to the Cannon Coffee-house, Charing-Cross, where he expected to see Miss Reay pass, and she very soon passing by that way, he followed the carriage she was in to Covent-Garden, and saw her and Signora Galli alight from it and go into the Theatre; he also went into the Theatre after them, and seeing a gentleman of genteel and handsome appearance (who since has been discovered to be Lord Coleraine,) speak to her there, his watchful fondness, and dread of a rival in her esteem, two powerfully persuaded him, that love was an unlimited monarch, and that his Lordship, who addressed himself to Miss Reay, and talked with her in the play-house, was the person who monopolized her affections, agreeably to the previous insinuations of Signora Galli.

In this moment, and not before, he meditated his death by suicide, and starting from the Theatre in a stupor of mind, he determined to destroy himself, to which end as may be imagined in his state of thought, under the dominion of opposite passions; gloomy, melancholy, and outrageous, at the injuries he had received, which exceed all human knowledge to explain, he quitted the Theatre,

Theatre, and furnished himself with a *brace** of pistols, resolving then to fall by his own hands, in the presence of a woman, whose supposed infidelity had brought him to a misery and despair not to be described by words. He returned to the Theatre, with his pistols loaded, and when the play was over, he followed the object of his love and rage, in company with Signora Galli, and Lord Coleraine, whom he had taken for his rival, into the lobby of the house, where he intended, and endeavoured to shoot himself, but the croud preventing him, he kept Miss Reay in view, until she was under the Piazza, in her way to her coach, which was called for by the name of Lady Sandwich's coach. Here he a second time attempted to kill himself, but a chairman running suddenly against him, who nearly pushed him down, he recovered and pursued Miss Reay to the door of her coach, in which Signora Galli was seated. It was not till he had beheld her face at this instant, that he thought of killing her, but then, alas! he said himself, he concluded it would be best for both to die together; he therefore took from his pocket

* When Mr. Hackman was asked why he had a brace of pistols in his pocket, he said, because if one missed fire on himself he meant to use the other, which is a full answer to the objection, that he intended to use one against Miss Reay when he furnished himself with them.

pocket with each hand a pistol, and stepping between Miss Reay (who had accepted a gentleman's arm, and who since appears to be Mr. Macnamara, a very respectable character of Lincoln's Inn) and her carriage, she being on his right hand, he discharged his right hand pistol at her first, and immediately after, as quick as you may reckon one—two—he also discharged his left hand pistol at himself. He shot Miss Reay through the head, who, lifting her hand to her face, fell and died on the spot; but finding himself alive after he had shot at himself, and fallen also with his feet close to those of Miss Reay, he beat his head with the pistol, and called out, kill me! kill me! Miss Reay was then taken to the Shakespeare Tavern and Mr. Hackman with her, where the corpse of the former was put in a separate room, while Mr. Hackman's wounds were dressed in another. He then enquired after her, and being told he had killed her, he would not believe it, but said, he was sure she was living, for that he only intended to kill himself.

In this condition, and after he had freely told his name and who he was, he was committed to prison, where, when he became calm and composed, he reflected on his crime, first in meditating, and attempting to take away his own life, and afterwards, in the moment he was about to kill himself,

himself, to kill Miss Reay, and remain her survivor, contrary to his momentary intention of killing himself and her together.

It would be wrong to pass over the great strength of mind and compassion, with which Mr. Macnamara conducted himself in that sudden and distressing moment, when Miss Reay fell at his feet. The explosion of the pistol alarmed several gentlemen who were near him, and self-preservation instantly dispersed them, whilst Mr. Macnamara was left singly in a scene of horror, which he sustained in a manner that will ever reflect an honour upon his character. During Mr. Hackman's confinement in Newgate, he was perfectly composed, and spoke of the name and memory of Miss Reay with the highest rapture. He said frequently to his friends and relations who visited him there, that life, since that lady was gone, would to him be a cruel punishment, and that death could only relieve him from a world wherein he should consider himself lost, since the only object that was dear to him was out of it, and whom he was thwarted in wholly possessing while in it. He declared he could have no satisfaction in life, and that in his circumstances it would be a living death; for which reason he proposed, and could not reconcile it to his conscience, or what he supposed the truth, to plead on his arraignment Not Guilty to the

indictment of the murder of Miss Reay. But when he was asked whether he murdered her with malice aforethought, and was told that it would satisfy the public that his charge should be established by evidence and a tryal, he then consented to put himself on God and his country, protesting that he felt no trouble whatever but on account of his family, and the awful ceremony of a criminal tryal. And so satisfied with, and prepared for his dissolution, was he, that before he was brought into court on his indictment, he sent to the undertaker who buried Miss Reay, and entreated to be satisfied from him that she was decently interred: He told him he hoped soon to be laid near her, as a corpse, for that his life was her's, and the laws of his country demanded it from him. By this manly and collected behaviour, impatient of death, composed and ready to meet it, but disturbed by nothing but a reflexion that a sister and mother were in misery, while he was happier than they long before had known him; he gave some relief to his relations and friends who attended him, and thereby dissipated that anguish from among them, which otherwise would have overcome them; and he having resolved on a defence, they left him prepared to face his judge and jury as became himself, void of every wish or hope of an acquittal.

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ON the morning of his tryal he eat a hearty breakfast in Newgate with his brother-in-law, and two of his friends, one of whom, at his request, attended him into court, the other, and his brother-in-law, being too much concerned to do him that friendly but affecting office. He was much agitated on his arraignment; and though astonishingly overcome by his feelings while the witnesses against him were giving their evidence of the deed he deplored, at the same time sighing and weeping in the most heart-rending manner, his deportment was noble, and gained him the admiration of his judge and jury in the course of his tryal. The evidence for the prosecution being gone through, he was asked whether he had any thing to say in his defence, when rising from a chair which he was indulged with, and wiping a flood of tears from his eyes, he poured forth the most deep-fetched sigh, and delivered the following speech with all that energy of expression, and in sonorous, but faltering accents, which his peculiar feelings would allow.

“MY LORD,

“I should not have troubled the court with the examination of witnesses to support the charge against me, had I not thought that pleading guilty to the indictment would give an indication of condemning death, not suitable to my present condition, and would, in some measure, make me accessary to a second peril of my life; and I likewise thought that the justice of my country ought to be satisfied, by suffering my offences to be proved, and the fact to be established by evidence.

I stand here the most wretched of human beings! I confess myself criminal in a high degree; I acknowledge with shame and repentance that my determination against my own life was formal and complete. I protest, with that regard to truth which becomes my situation, that the will to destroy her who was ever dearer to me than life, was never mine, until a momentary phrenzy overcame me, and induced me to commit the deed I deplore.—The letter which I meant for my brother-in-law after my decease, will have its due weight as to this point, with good men.

Before this dreadful act I trust nothing will be found in the tenor of my life, which the common charity of mankind will not readily excuse. I have
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no wish to avoid the punishment which the laws of my country appoint for my crime; but being already too unhappy to feel a punishment in death, or a satisfaction in life, I submit myself to the disposal and judgment of Almighty God, and to the consequences of this enquiry into my conduct and intention."

This speech was the transcript of his heart. It was prepared for him from his own solemn words, and every sentence he pronounced chilled his hearers into sorrow and compassion. A very brilliant and crowded auditory were softened into tears by it, and the court flowed equally with sympathy upon it.

After he had spoken it, the letter it referred to, which was found in his pocket, at the Shakespear Tavern, was read in the following words.

" My Dear Frederick,

" WHEN this reaches you I shall be no more, but do not let my unhappy fate distress you too much. I have strove against it as long as possible, but it now overpowers me. You know where my affections were placed; my having by some means or other lost her's, (an idea which I could not support) has driven me to madness. The world will condemn me, but your good heart will
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pity me. God bless you, my dear Fred. would I had a sum to leave you, to convince you of my great regard. You was my only friend. I have hid one circumstance from you which gives me great pain : I owe Mr. Wright, of Gosport, one hundred pounds, for which he has the writings of my houses ; but I hope in God when they are sold, and all other matters collected, there will be nearly enough to settle our account. May Almighty God bless you and yours, with comfort and happiness, and may you ever be a stranger to the pangs I now feel. May heaven protect my beloved woman, and forgive this act which alone could relieve me from a world of misery I have long endured. Oh ! if it should be in your power to do her any act of friendship, remember your faithful friend,

J. HACKMAN."

By this letter it appeared, that although it expressed only an intention to destroy himself, and recommended his brother to assist Miss Reay, who at the time he writ it, he expected would survive him, and therefore he could not deliberately intend to kill ; yet, as it proved a felonious intent against himself, and was written with that calmness which gave no indication of insanity in him, such felonious intent, though he failed

failed in the execution of it, was a sufficient testimony to constitute the killing Miss Reay murder, notwithstanding it might be true that he never meant to kill her till the very moment he shot her; and the Judge summing up the evidence with remarks to this effect, but much more fully, and in a manner that did equal honour to his heart as a man, and his abilities as a Judge, the Jury pronounced Mr. Hackman guilty.—Sentence of death was then passed upon him in the usual form of words, and he left the Court (in company of his friend who attended him into it) with fortitude, dignity, and respect.

When he returned to his apartment in Newgate, he appeared much more easy than he had been before his trial; he told his friend, that the only painful part of his time was over, and that he was rejoiced to think how short a time he had to live.

On the day appointed for his departure, his behaviour was uniform and compleat; he smiled at death as a redeemer from the most excruciating reflections, and embraced it with resignation and piety, not with the horrors attendant on a savage assassin when about to receive the due of his deserts, but with the composure and anxiety of a man who had survived every thing that was near
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and dear to him, in the loss (though by his own hands) of the woman he adored and loved to a degree of rage, despair, and madness!

As he is now no more, let the soft tear of pity and compassion for a departed fellow-creature, who, as he certainly was no more, we hope will not appear to have been less than man, weak, imperfect, and fallible! flow from all generous and charitable readers when they revive his name. He will, undoubtedly, be remembered with regret by them, and they will rescue his memory from the mangling and unhallowed tongues of men hardened in heart, and unenlightened by reason, or wisdom in their opinions of what they do not understand. His case was singular, and as he has paid the rigid satisfaction of death for death, a satisfaction to himself as well as to the community whose laws he had violated; it is to be hoped, that whenever he be remembered or spoken of, it will be with tenderness and mercy, and not with that abhorrence which the best of minds associates and feels on the recollection of a *barbarous* murder, perpetrated in *cruelty*, and aggravated by a *deliberate* previous intention, with deliberate *malice afore-thought*.

Commentary on his Conviction.

IN Mr. Hackman's speech on his trial, (which was complimented by Judge Blackstone in his direction to the Jury) he said, " he confessed himself *criminal in a high degree.*" The expression is forcible, and as it possibly conveyed something more than the hearers of it comprehended, it may be proper to explain it on the present occasion. Had he substituted the word *guilty* instead of *criminal*, he suspected it would be saying more than was justified in truth, by acknowledging that he was guilty of the whole indictment on which he was arraigned, which, as in all cases of murder, charges the party indicted with killing a person from an *evil intention, and of malice aforethought*; for, without those words an indictment for murder would be insufficient and incomplete, as mere killing is not murder, without it be done by a previous intention and malice, either *expressed* or *implied*, which is the grand criterion, whereby murder is now distinguished from other killing. It is the wickedness and malignity of the heart which raises the crime of murder, and not simply the act which kills; and from such wickedness and malignity of heart, testified by the subsequent act of him who kills, the law determines

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on the malice *prepenſe*, called the *malitia præcogitata*, expreſs or implied. Expreſs when a man deliberately, and from a pre-concerted deſign kills another, which appears by external circumſtances diſcovering an inward intention, ſuch as laying in wait, antecedent menaces, former grudges, and ſettled ſchemes to do a man ſome bodily harm; this takes in the caſe of deliberate duelling, where the parties meet with *an intent* to kill, thinking it their duty to protect their honour, and make their ſword its only guardian, without authority from any power, human or divine, and in direct contradiction of the laws of God and man. In ſhort, without enumerating the particular inſtances of murder with malice *prepenſe* and *expreſs*, it is enough that we ſay that all killing proceeding from a bad heart is equivalent to a deliberate act of ſlaughter, which is equally criminal on a particular perſon, as on mankind in general, from the evil intended before-hand.

Implied malice is the conſideration of the law, as in the caſe of poiſon, where the ſecrecy of the killing gives no opportunity of judging on a previous intent; or where one man ſuddenly kills another, without a violent provocation, ſince no perſon, unleſs from a bad heart, would be guilty of ſuch an act on a ſlight cauſe. It is therefore the felonious intent in general, whether againſt the
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life of one man, or all men, that constitutes the crime of murder : as, for example ; If I shoot at you, intending your death, and missing you I kill a third person, against whom I had no such intent, this is murder, because of my previous felonious intent against you, which the law deems also a felonious intent against all men. All homicide therefore is wilful murder, which is not justified by the permission of the law, as in the case of an officer in the execution of his office, for the prevention of an atrocious crime. Excusable by self-defence, on a principal of self-preservation, softened into manslaughter, which, if involuntary, arises from the sudden heat of the passions, or if voluntary of some act not lawful, which it is the criminal's business to prove, since all homicide is taken to be malicious, until the contrary be proved.

This leads us to the crime for which Mr. Hackman was convicted, and for which he suffered. If we can believe him, and the account given by Mary Anderson, the orange-woman, who swore on his tryal to the particular manner in which he shot Miss Reay, it is very clear that he did not kill her with an *express* or previous intention, but from a momentary phrenzy, which overpowered him, after he had resolved to destroy himself *only* ; but as it appeared that his intention against his own life was, as he said himself in his speech, from,

and complete, he was to all intents and purposes, legally speaking, at the time he attempted to execute it, in a felonious action and disposition of mind; his therefore (almost at the same instant) shooting at and killing Miss Reay, was rigidly murder *quo animo*, though unaccompanied with that deliberation, or previous external circumstances, which otherwise would have rendered it murder with malice express.

Indeed, as Mr. Hackman twice endeavoured to kill himself, once in the lobby of the play-house, and then in the piazza of Covent-Garden, in both which places he was in a concourse of people, such was his felonious intent, though only against *himself*, that had he fired his pistol, and missing himself had shot a *stranger* among the crowd he was so in, it would have been murder with malice implied, if it could have been proved that he discharged the pistol at himself; for it is the previous evil intention and felonious act that raises the *implication* of malice, which the law transfers from one to another.

Considering, however, the cause of Mr. Hackman's miserable state of mind, occasioned by the imagined infidelity of Miss Reay towards him, which made him, on the apprehension that he beheld a rival in Lord Coleraine, determine to destroy himself; we are obliged to join him, by saying

ing that it was a momentary phrenzy only, which induced him to commit the deed he deplored, but which, from the avowed intention against his own life at the time, was sufficient for the law to construe it into an *implied malice*, to kill; though that malice only existed for a moment. On this principle of law and reason he was convicted; but as he was found guilty of murder by malice implied and not expressed, he deserves not to be classed among common assassins or murderers, because he neither studied the death of Miss Reay, but *for the moment*, nor did he break into her chamber in the dead of night, cut her throat while asleep, or rob her cabinet afterwards. His crime, therefore, is almost unparalleled; he has fallen a sacrifice to love and an unguarded moment, when reason driven from his mind gave way to desperation, and madly forced him to a deed, which he not only deplored, but for which he has forfeited his life according to law.

Had Mr. Hackman committed suicide only, a jury on the fact would on their oaths have found it to have been an act of lunacy; and if suicide be an act of lunacy, all the consequences in attempting to commit it proceeded from it, whatever they may be; from whence it is not unreasonable to infer, at least by way of hypothesis, that if Mr. Hackman's endeavour to kill himself, though unsuccessful

successfully, were the effect of lunacy, in that case, whatever he did at the same time, and under the same state of mind, proceeded from the same cause, and could be no more wilful murder of another than himself. But if the *comitas* or favour of the law dispenses with a coroner's jury finding suicide lunacy, (because there can be no punishment of the felonious intent which a man who commits it had against himself) it may be contended that when he kills another in the same instant, the felonious previous intent against himself shall remove the idea of lunacy in him in regard to such act against another, although if he completed it on himself he would only be found a lunatic; so that he would be found sane in the one case, and insane in the other. Suppose then (as Mr. Hackman intended) a man, after he had studied his own death, and in the moment he attempted to take it away he not only accomplished it, but killed another with him—what would have been his crime then? Would it have been less an act of lunacy? or would it have been lunacy in regard to himself, and murder with regard to the person he killed with him? If in such case he were found *felo de se*, and a murderer, he being himself murdered by his own hands, he must have been found *compos mentis* when he gave himself the mortal stroke, which he would not have been had

had he only killed himself. Any distinction as to him would be immaterial, and he would be incapable of making any reparation, either as a public expiation, or by the forfeiture of life, because he would be out of the reach of punishment. It is true that a punishment might be visited on his family and heir, by forfeiting his goods and chattels as a *felo de se*, and his real estates as a *murderer*, according to the feudal system; but if the law suffers him to be found a lunatic in suicide only, whereby the forfeiture of *personals* is saved, why, if he kills in the same moment a second person with himself, shall that favour of the law be suspended, and the punishment doubled to his family and heirs by a forfeiture of his *lands also*?

This seems to require explanation, and appears unreasonable, notwithstanding the lesser crime on himself may merge or sink in the greater he had first committed on another, since it is almost impossible that a man should value his own life so little, *if in his senses*, as to destroy it with the life of another. On this point the law is altogether silent, and can only make him a *felo de se* and a murderer, to the injury of the heir, without doing any thing else, as a terror to deter others from becoming the same sort of criminals, which, in reality, as the punishment falls upon the innocent,

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can be no terror at all; for what is it to me that the innocent have been punished, when I am about to kill myself and another person with me? My own death deprives me of punishment, and whether I am found a *felo de se* and a murderer, or otherwise, is immaterial to me, and the forfeitures of all my estates is a *punishment only* to those who have nought to do with *my guilt*, except on the foedal principle. Hence, if Mr. Hackman had killed himself when he killed Miss Reay, that act of lunacy which would have been found against him, had he fallen alone, ought also to be found in the killing Miss Reay; particularly so, if it be admitted that the intention and act against himself would singly have been found lunacy. If so, did his ill success against himself, and his surviving her, distinguish him into a murderer? If it did, there is a contradiction, because, had he not survived her, he might have been found a lunatic. He might, as he said himself, have been in a momentary phrenzy, and become reasonable after he found himself alive. But as he did survive Miss Reay, the law only did that by him, which he failed in executing on himself, with this difference—the law killed him in a state of reason; whereas had he killed himself, it would have been found to be the result of lunacy, and as such more preferable.

However just the cause in respect to suicide, it is agreed that the fear of that something we all are ignorant of, makes us cowards ; but in what sense ? Not to make us dread death as an evil, but to prevent our taking that away we cannot give—**L I F E !**—Shakespear, nevertheless, in a speech of Constance in his play of King John, makes that afflicted lady say,

“ My *reasonable* part produces *reason*

“ How I may be delivered of these woes,

“ And *teaches me to kill or hang myself.*”

But we may reasonably suppose that Shakespear never intended to say that reason pointed out suicide as a remedy for affliction. The law of society formerly treated the remains of a *felo de se*, or one who commits felony on himself, with an ignominy in the form of his burial, and visited his sin on his son, or the next of kin, by a confiscation of his personal estate, and this for the supposed benefit of society, which was thought to be injured by the loss of a member, besides the sin of it against God, and not as a *living* punishment of a *dead* man, who perhaps had committed no crime in killing himself, because *insane* at the time. But experience has altered this practice, and law and reason now concur in finding suicide to be an act of lunacy, which strikes severely against that pretended philosophy which some men have asserted as a justification

tion of suicide; yet, as the action itself tends to prove that the party who commits it renounced the world and those miseries which therein he was the only author of; or for disappointments which he wanted virtue to dispense with, he of course wanted also that wisdom, reason, and true philosophy which teaches us, *vix ea nostra voco*. The law, therefore, supported by reason, determines that suicide is an act of lunacy (another term for cowardice) and that he who commits it was void of reason and philosophy at the time.

From these premises it may be concluded without absurdity, that if Mr. Hackman would have been found a lunatic in killing himself singly, rigidly speaking he was not less so in killing Miss Reay, and this for the reasons, (if they are reasons) already given and submitted, which, in his lifetime, lead us to lament that he did not succeed in the attempt against his own life, as he fatally did against the life of Miss Reay.

And thus finishes our commentary on his crime and conviction, which, if properly considered, will be spoken of with great delicacy, and at most as murder simply from malice rigidly implied, without barbarity, aggravation, or other offence, as is almost always the case in murder, wilfully and deliberately committed, accompanied with the felonies of burglary and robbery.

C O N-

C O N C L U S I O N.

MELANCHOLY, singular, and unfortunate, as the case of Mr. Hackman appears, those who knew him will derive a consolation in his fate, from its peculiarity, and the firmness of his conduct under all its circumstances, which was resolute, but devout, manly, but not bold, and altogether consistent with himself.

If all virtues have their attendant vices, or every virtue verges on a particular vice, as some persons have pretended, we may infer that Mr. Hackman's unbounded passion for Miss Reay was a kind of virtue (if there be any virtue in love) which hurried him, when born down by disappointment, ingratitude, and inconstancy, to the vice that concluded his unconquerable misery, while either himself or Miss Reay were living. If his love for her were a virtue, the destroying of her was its consequent vice, which, as he survived her to reflect upon, raised his anxiety still more to follow her. An ample proof that in love there is as little philosophy as reason; either of which will teach us to overcome the licentiousness of passion, and restrain us from violence.

While we lament the fate of Mr. Hackman, we cannot but feel for the noble Earl to whose

politeness he owed his first knowledge of Miss Reay. Lord S——, whatever may be his follies as a man, his conduct as a minister, or insincerity as a friend, according to the libellous fame of newspapers, and those who do not know him, is a character superior to malevolence, but subject in common with human beings, to the unhappiness natural on the loss of one he esteemed, which is provoked the more by the manner in which that loss was occasioned, and by the death of him who was the author of it. We must, therefore, determine on his Lordship's anguish, as a man, by what our own might be in a similar situation with him. There are living pledges of his love of Miss Reay, and every time he thinks of, or looks on them, their slaughtered mother will be presented to his mind with the most agonizing pain; they will harrow up a recollection of her death, and she will never be remembered but with sorrow and regret; and though convinced of the connexion she had formed with the much-to-be-pitied Hackman, and the indulgencies she had therein with him, his Lordship will, from his wisdom and philosophy, drop a tear, as well for the man who became a victim to love, as for the woman his Lordship loved himself!

They are both passed that bourn from whence no traveller returns! Let us then draw a veil

over

over them, and leave them to the great God of mercy, to whom all hearts are open, and stifle the further mention of their names. Common charity now demands this from us; and with every commiseration for Lord S——, with whom we cordially sympathize in his present condition, we close this dreary history of the unfortunate Hackman, and his acquaintance, connexion with, and death of Miss Reay, as also his conduct thereon, which, peculiar as it in reality is, we hope will be read with compassion and liberality, independent of prejudice or partiality.

Letter from Mr. Hackman to Miss Reay,

Written to her after he had taken Orders, and which, with one other, (a copy whereof is now in the hands of his brother-in-law) is the only one he did not cancel; such being the secrecy of his correspondence with that lady, that, by mutual agreement, they destroyed all letters between them on their receipt and perusal.

“ My dearest Life !

“ I never think of you but with a pleasing pain, the consequence of that love of which, I hope, I have

have given you every proof in my power. I never bring you to my recollection (which I almost continually do) but with inexpressible anxiety; yet, while I know you are not wholly mine, so great is my misery, that I cannot express it; which, added to the difficulty in which, at best, we have accomplished our meetings at Marybone, and other places, and the obstacle of Lord S—— between us, almost distracts me. You know my sufferings on your account are far from trifling! When therefore will you relieve them, and make that time happy, which you only have hitherto rendered irksome and anxious to me? Having quitted the army by your advice, I am now wedded to the church, have lately been presented to a living in Norfolk, and require nothing now to complete my happiness, but to be wedded to you. In your own dear words, let us now be one. I know you have children, and I love them, because you are their mother. As the youngest is your particular favourite, and indulged by maternal fondness, I shall rejoice to have it with me when we are married. I know you are not fond of the follies and vanities of the town. How tranquil and agreeably, and with what uninterrupted felicity, unlike to any thing we have yet enjoyed, shall we then wear our time away together on my living, and my estate at Gosport! we shall have
near

near 200*l.* a year from the one, and 100*l.* a year from the other, which will be enough for us in a country life. And by all the vows you have made me, and by that stolen bliss we have known, I do now assure you, that dear as you are to me, and although parent of several children by Lord S——, if you are faithless enough to forsake me, and not embrace my offer, you'll feel for the despair it may occasion, when, perhaps, it will not be in my power to repeat that offer to you. O! thou dearer to me than life, because that life is thine! think of me and pity me. I have long been devoted to you; and your's, as I am, I hope either to die, or soon to be your's in marriage. For God's sake let me hear from you; and as you love me, keep me no longer in suspense, since nothing can relieve me but death or you.—Adieu!

Your most humble

And affectionate servant.

Mr. Hackman's affection for Miss Reay breathed throughout this letter is remarkable, and however imprudent, weak, or reprehensible he may appear for it, in a moral sense, it is perfectly natural. It might have been otherwise with some men, who, reflecting on Miss Reay's condition and character in life, would very probably

bably have considered marriage with her as a depravity, and therefore have avoided it on principle, however they might have shared in her favour, either with Lord S—— or any other person. But if it be recollected that Mr. Hackman was little more than nineteen when he first became acquainted with her; that he was a youth particularly bashful in his behaviour, we cannot suppose that in the house of a nobleman he made any advances to that nobleman's mistress, who was near eleven years older than himself. The very contrary appears most consistent; and we may appeal to those who have really loved, to determine whether Mr. Hackman's passion for Miss Reay, (notwithstanding their undoubted intercourse) was improper or not. It might be imprudent, and a marriage with her might have been impolitic and unwise, but *imprudence*, *impolicy*, and *folly*, are powerful ingredients in love, which disdains the colder considerations of lucre, rank, and fortune; and although there are not many instances where a man's love is accumulated instead of abated by gratification, it does not admit of a doubt but that Mr. Hackman's love of Miss Reay, with all its consequences, was an ample proof of the possibility that it may be so.

A Letter to Lord S——.

“ *My Lord,*

“ IMPELLED by feelings which operate equally with what your Lordship suffers, and the unparalleled misfortune of the young man whose life has atoned for his offence, I wish it were in my power to start a thought that would afford your Lordship some moments of consolation.

I am certain your Lordship's resentment at, and abhorrence of, a momentary crime, is done away by your commiseration, although that crime was of the highest nature.—It is evident that the black dye of intention was *deliberated* only against himself, although in the instant he attempted to execute it, he was urged to the deed which reaches your Lordship's heart.

As he and the object of his wretchedness are now no more, would it not tend to relieve your Lordship, were you to philosophize on the particulars contained in the young man's Memoirs, and attribute his fate to the Author of Nature?

I mean no offence to religion, neither do I wish to promote evil; but as evil is undefineable,

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and it has exceeded the power of human knowledge to distinguish whether any thing in nature be so of itself, it may be some relief to your Lordship, if you will reflect metaphysically on what has happened, and conclude that every thing which happens, has arisen from unavoidable necessity.—Habit and the common prejudices of education may make it difficult in your Lordship to do this ; but your learning and good sense, if exerted at this time, when most you stand in need of them, together with the busy as well as convivial scenes you are in, I am in hopes will go a great way towards reconciling you to that fate, which is not in the power of your Lordship to alter.

If this language should satisfy your Lordship of the goodness of my heart towards you, I shall think myself well rewarded for the liberty I take in intruding it upon you—I should rejoice if it answered my purpose ; and am, with all true concern,

Your Lordship's obedient Servant,

A PHILOSOPHER."



P O S T S C R I P T.

I N a word—As there seems to be a difficulty with the public in determining on the cause of Mr. Hackman's conduct by Miss Reay, that difficulty may very well be solved, if we believe that his love, which in some respect he had gratified, raised his pride, and that his pride, on the supposed loss of her affections, drove him to madness, as he says himself, in his letter to his brother-in-law. That madness therefore was the only cause, although it was not of a nature that the law could distinguish the effect from murder. If the cause were any other, woe to the fair sex when Cupid is allowed to wield the bolts of Jove ! It is true that unrequited love has often been fatal to the unsuccessful party, but not till slight, indignation, or open preference of another had turned it into jealousy and hatred. Mr. Hackman might have disposed of himself, if he could not live without Miss Reay ; while killing her, and depriving another of her in cool blood, would have been malicious indeed ! but his disappointment and pride raised his jealousy and hatred, which ending in insanity, drove him to the deed he committed on Miss Reay. In this sense he merits all our pity, and though dead, will be acquitted of that murder which the law rigidly condemned him for.

A P P E N D I X,

*On the abuse of the Press, and the effects of
Public Offices of Justices of the Peace.*

IF the liberty of the press be at all to be lamented, it is in the freedom of those printers who, in cases *de parte*, watch with avidity for what they call news, which they publish as speedily as possible after they have collected it. In this (however good their intention) they often distress those they mean to inform, and, by an imperfect state of circumstances, perplex the truth, and deceive their readers by misrepresentation. In nothing that occurs do they more mistake what they collect or hear than in matters relating to the civil and criminal jurisprudence of this country; for, not being scientifically acquainted with either, they generally misunderstand what passes before them, and draw improper conclusions from it; consequently what they thus hastily and ignorantly publish, while it misleads a stranger, it also gives pain to the particular party, and

uneasiness to those who know him. It is this that leads us to complain, that after the apprehension of a supposed offender, his family, his friends and connexions should be represented to the public, with a detail of his charge, before it be known how far that charge would be proved on a solemn and legal investigation of facts, and on a traverse before a judge and jury, whose duty it is to expound the law, and protect the party tried by it.

The rage of anticipation is created by popular curiosity, and when men are tired (as it were) with what they know, they grow restless and impatient for things in embryo. It is then that they catch with indiscretion at the shadow of them, and deceive others in the substance.

But it is otherwise with those men who profess the least philosophy. They take nothing for granted, nor do they depend on what they partially hear. They exclaim, *Audi alteram partem*, and never suffer themselves to be imposed upon by prejudice, nor drawn away by partiality, favour or affection. They are patient to hear the simple



truth, and explore it in all her recesses; and when she appears to them, pity takes place of vengeance in their minds, and they sigh at the fallibility of human nature. When a fellow-creature is criminally charged, they disdain to judge him without a hearing. They neither try him without a jury, nor condemn him without a tryal! How different the reverse with the populace, who try, condemn and execute, on the evidence of their own weak conceptions, formed *prima facie*, and on a first impression! It is this that has led us to possess the publick with the truth respecting the character and fate of the late unfortunate Mr. Hackman; and while we complain that crimes ought to be concealed until truly related, even printers will excuse us, and call to their mind that they too often defeat their own purposes when most they endeavour to fulfil them. A man, by their unwary interference, may become the most worthless of beings, and secretly suffer a reproach and ignominy worse than death itself, which he prefers the more in proportion to the impossibility of removing from the public the stains cast on their

minds by an imperfect state of his charge and condition.

All criminal offences are undoubtedly against the public peace and safety, but they ought to be fully and deliberately proved, before the perpetrators of them are exposed either to public censure or compassion. A conservator of the peace is *rather* a private character than a public one, and it is not his duty to keep an open house for the reception of the idle or curious, to watch his examinations of those who may be criminally brought before him; but it has nevertheless, of late years, been the practice in this metropolis to convert the houses of justices of the peace into public offices; and printers have thought proper to attend on what is called public days, for the examination of offenders, whose names, with all the circumstances of their charge against them, they have exhibited to the public, directly after, without any consideration how far that charge might be supported or done away on a legal defence and traverse. The misfortune, therefore, is double to a man, who, at the instance, perhaps, of an ungrateful,

grateful, malicious woman, or a vindictive, blood-thirsty man, shall be apprehended, and taken to such an office; because, innocent, as he may afterwards be found, his very apprehension, added to his arraignment, tho' acquitted either on the one or the other, is sufficient set to the public against him; and his enemies (of whom the best of men are not without) will glory in the recollection that he was once seen in the public office of a justice of peace—once seen in the public newspapers as a criminal, and once arraigned at a criminal bar.

The satisfaction in damages which a man so circumstanced may be entitled to, on an honourable discharge from a malignant accusation, may be, in some measure, an answer to these objections, and be thought enough to clear his character from all public imputation. It may probably be so with all good and liberal-minded men; but it will not be so with respect to the private and ill-natured opinions of the vulgar and illiterate, who compose by much the greater part of the community; in which an individual, by being singled out a prey for private vengeance

to

to glut itself upon, is rendered thus obnoxious to scorn and derision, without deserving either.

Public examinations, and a publication of them, may very likely have their utility, by guarding us against the lowest and vilest of offenders, who require to be made public, in order that others, who have suffered by them, may know of their apprehension, and bring them to justice; but every man comes not under this predicament. A man of family and fortune may be dragged to a public office on the oath of a perjur'd woman, for a rape. An honest tradesman, on the interested oaths of his creditors, for a concealment of his property as a bankrupt; or a worthy and respectable character, for a crime against which his soul revolts, with a view to extortion; and from all which charges they may be (as hath frequently happened) respectively acquitted. How improper then is it, that in all the vestiges of their prosecution they should be bandied about in the newspapers! by some condemned unheard; by others execrated; and pitied, but by few. Surely it is almost criminal

minal, that they should be thus unfairly dealt by! It endangers the life of the innocent, by inflaming the minds of his peers, and spreading throughout his country the most dreadful prejudices against him. There are many instances of the ill effects of so unjust a procedure as that of sitting in judgment on a supposed criminal, from partial accounts of the crime, before he is heard and tried. The case of the King and Miss Blandy is particularly in point, on whose arraignment the honourable judge who tried her, found it necessary to warn her jury, that as the public had been pre-determined on her case before her crime was proved, it was their duty to divest themselves of every thing they had heard about the unhappy prisoner at the bar of their tribunal, and to attend to nothing but the evidence under his direction, *for and against her.*

Were the public to suffer reason to take place of passion, pity of resentment, and humanity of vengeance, they would judge a fellow creature (however criminally charged) as they themselves would in his case hope to be judged; and printers in particular

cular would, with fear and tendernefs, be cautious what they published about him before his guilt or innocence were established on his tryal. It would then be proper in them to inform the publick of his tryal and consequences, as is the case with the shorthand writers; but their previous interference forestalling the sale of intelligence, from a session-paper, and the arrogant conduct of justices of peace, who, in disgrace of the law, make a trade of their commissions, if the reason already submitted be substantial, is every way unworthy; often injurious; and always improper.



THE END.

